

BEFORE THE STATE BOARD OF ACUPUNCTURE

STATE OF IDAHO

ORIGINAL

In the Matter of the License of:

TREV D. WHEELER,
License No. ACC-92,

Respondent.

Case No. ACU-B2A-02A-02-2
ACU-03-02A-02-3
CHI-P1-02A-02-014

FINAL ORDER

THIS MATTER came on for hearing on June 26, 2003, before Roseanne R. Hardin, the designated Hearing Officer. The State appeared in person and by its attorney of record, Cheri L. Bush, Idaho Deputy Attorney General. Respondent, Trev D. Wheeler, appeared without counsel and represented himself at the hearing. The parties presented witnesses, testimony, and documentary evidence. On July 30, 2003, the Hearing Officer submitted her Findings of Fact, Conclusions of Law, and Recommended Order.

The Board, having conducted an independent review of the record, having considered all evidence presented before the Hearing Officer, the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order, and all other matters of record, and good cause appearing therefor, the Board unanimously adopted the following Order.

IT IS HEREBY ORDERED as follows:

1. That the Hearing Officer's Findings of Fact and Conclusions of Law are hereby adopted and incorporated herein by reference.
2. Based upon the Findings of Fact , Conclusions of Law and Recommended Order, the Board possesses the authority to discipline the Respondent pursuant to Idaho Code ' 54-4711 as follows:

FINAL ORDER - 1.

a. The Respondent's license shall be suspended for a period of one (1) year from service of this Final Order.

b. The Respondent shall attend and complete a clean needle techniques course, a record keeping course and a professional ethics course, all approved by the Board, prior to re-issuance of an active license.

3. This is the Final Order of the Board.

a. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of the service date of this Final Order. The Board will dispose of the Petition for Reconsideration within twenty-one (21) days of its receipt, or the Petition will be considered denied by the operation of law. (*See*, Idaho Code ' 67-5247(4).)

b. Pursuant to Idaho Code ' 67-5270 and 57-5272, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

c. An appeal must be taken within twenty-eight (28) days: (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (*See*, Idaho Code ' 67-5273.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

FINAL ORDER - 2.

4. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon the Respondent and the State's attorney by mailing a copy to them at their addresses as provided.

DATED this 26th day of September, 2003.

STATE BOARD OF ACUPUNCTURE

By Therese Hahn
Therese Hahn, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 2nd day of ~~September~~ October, 2003, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

Cheri L. Bush
Deputy Attorney General
Office of the Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010

Trev D. Wheeler
33532 Applevalley Road
Parma, Idaho 83660

<input type="checkbox"/>	U.S. Mail
<input type="checkbox"/>	Hand Delivered
<input type="checkbox"/>	Federal Express
<input type="checkbox"/>	Fax Transmission
<input checked="" type="checkbox"/>	StateHouse Mail
<input checked="" type="checkbox"/>	U.S. Mail
<input type="checkbox"/>	Hand Delivered
<input type="checkbox"/>	Federal Express
<input type="checkbox"/>	Fax Transmission
<input checked="" type="checkbox"/>	Certified Mail

Rayola Jacobsen
Rayola Jacobsen, Bureau Chief

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